

I F E D E R A L mmigration Act of 1990 I N V E S T O R V I S A P R O G R A M

October 20, 2002

CONGRESS PASSED THE IMMIGRATION ACT OF 1990 that includes a program permitting foreign investors to obtain permanent residence in the United States. This is an amendment to the Immigration and Naturalization Act (INA).

Section 203(b)5 of the INA provides an immigrant investor visa category aimed at generating an inflow of foreign capital and creating jobs for U.S. workers. The law allows 10,000 permanent visas ("green cards") each year for qualifying immigrant investors.

The INA requires a capital investment of \$1 million for all areas in California, except in rural, high unemployment, or targeted areas where a lower investment threshold of \$500,000 may be made. In all cases, the investment must also create full-time employment for at least 10 U.S. citizens or other legal residents—other than members of the investor's family. Investors (and qualified family members) may be granted conditional permanent residence status for two years if they meet and document the investment criteria. With timely filing to remove the conditional status, a permanent green card may be issued. Five years after the initial grant of conditional permanent residence, an investor may apply for U.S. citizenship.

"High unemployment" is defined as 150 percent of the annual national average unemployment rate. The current qualifying rate is 7.2 percent—150 percent of the 2001 national average rate of 4.8 percent.

In accordance with 8 CFR §204.6(i), the California Employment Development Department (EDD) has been designated to identify the cities, counties, metropolitan statistical areas (MSAs) and geopolitical subdivisions (census tracts) that meet the "high unemployment" definition and therefore qualify for the \$500,000 minimum investment threshold. Though the rate changes often, the qualifying areas are identified at one point in time and published annually.

The census tract list can be found on the Internet at <http://commerce.ca.gov/visa/censustracts>. Census tract numbers for corresponding addresses can be found at <http://factfinder.census.gov/servlet/BasicFactsServlet>.

Program Highlights

**10,000 NEW GREEN CARDS
AVAILABLE NATIONWIDE
EACH YEAR**

**PERMANENT GREEN CARD
IN ONLY 2 YEARS**

**CITIZENSHIP POSSIBLE
IN 5 YEARS**

Program Requirements

**MINIMUM INVESTMENT OF
\$500,000 OR \$1 MILLION**

**CREATION OF 10 FULL-TIME
JOBS FOR U.S. CITIZENS**

Qualifying Targeted Areas in California

28 CITIES AND 10 COUNTIES

24 RURAL COUNTIES

8 MSAs

862 CENSUS TRACTS

Qualifying Rate for Targeted Areas

7.2 percent or higher

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Qualifying Areas

for \$500,000 minimum investment threshold

where unemployment rate is 7.2 percent or greater

Metropolitan Statistical Areas (bold if qualifying)	Counties (bold if qualifying)	Cities (bold if qualifying)	Qualifying Unemployment Rate
Bakersfield	Kern		10.5
Chico-Paradise	Butte		
Fresno	Fresno		13.7
	Madera		12.1
Los Angeles-Long Beach	Los Angeles	Bell	9.7
		Bell Gardens	10.5
		Compton	11.2
		Cudahy	8.0
		East Los Angeles	9.0
		El Monte	7.3
		Florence-Graham	12.9
		Huntington Park	10.0
		Inglewood	7.8
		La Puente	7.2
		Lennox	9.0
		Lynwood	9.7
		Maywood	9.5
		Paramount	7.7
		San Fernando	7.5
		South El Monte	9.0
		South Gate	8.4
		Westmont	10.1
		Willowbrook	11.6
Merced	Merced		14.0
Modesto	Stanislaus		10.2
Oakland	Alameda		
	Contra Costa		
Orange	Orange		
Redding	Shasta		
Riverside-San Bernardino	Riverside	Banning	8.2
		Hemet	7.4
		Indio	7.4
		Perris	7.6
	San Bernardino		
Sacramento	El Dorado		
	Placer		
	Sacramento	Parkway-South Sacramento	7.8

Source:

Employment
Development
Department

Labor Market
Information Division

Local Area
Unemployment Statistics

2001 Annual Average
Unemployment Rates

Immigration Act of 1990

Immigrant Investor Provisions

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Metropolitan Statistical Areas (bold if qualifying)	Counties (bold if qualifying)	Cities (bold if qualifying)	Qualifying Unemployment Rate
Salinas	Monterey		9.3
San Diego	San Diego		
San Francisco	Marin		
	San Francisco		
	San Mateo	East Palo Alto	7.2
San Jose	Santa Clara	Gilroy	7.4
San Luis Obispo- Atascadero-Paso Robles	San Luis Obispo		
Santa Barbara- Santa Maria-Lompoc	Santa Barbara		
Santa Cruz-Watsonville	Santa Cruz	Watsonville	12.8
Santa Rosa	Sonoma		
Stockton-Lodi	San Joaquin		8.7
Vallejo-Fairfield-Napa	Napa		
	Solano		
Ventura	Ventura	Santa Paula	7.3
Visalia-Tulare-Porterville	Tulare		15.4
Yolo	Yolo		
Yuba City	Sutter		12.3
	Yuba		11.7

Qualifying Rural Counties

Source:
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Alpine	Inyo	Nevada
Amador	Kings	Plumas
Calaveras	Lake	San Benito
Colusa	Lassen	Sierra
Del Norte	Mariposa	Siskiyou
Glenn	Mendocino	Tehama
Humboldt**	Modoc	Trinity
Imperial	Mono	Tuolumne

* "Rural area" means any area not within either a metropolitan statistical area or the outer boundary of any city or town having a population of 20,000 or more.

** All cities and towns in Humboldt County qualify, except Eureka.

Immigration Act of 1990

Immigrant Investor Provisions

Qualifying Counties

for \$500,000 minimum investment threshold



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For additional information...

...on implementing the foreign investor provisions of the Immigration Act in California, contact the California Technology, Trade and Commerce Agency, Office of Business Investment, (916) 322-5665, InvestCA@commerce.ca.gov.

...on employment statistics, contact Employment Development Department, Labor Market Information Division, (916) 262-2162.

...on visas or visa applications, contact the U.S. Immigration and Naturalization Service, (800) 870-FORM or a local INS office, listed on the INS website at <http://www.ins.usdoj.gov>.

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